

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF VERMONT

JONATHAN A. BLOOM,

Plaintiff,

v.

Civil No. 5:16-cv-121

ALEX AZAR,
Secretary of the U.S. Department of Health
and Social Services,

Defendant.

DR. BLOOM'S UNOPPOSED NOTICE OF SUBSEQUENT AUTHORITY

Dr. Bloom respectfully files this Notice of Subsequent Authority to bring to the Court's attention the decision issued April 5, 2018, in *Lewis v. Azar*, Case No. 15-cv-13530 by the United States District Court for the District of Massachusetts. *See* Exhibit A. Like this Court, the Lewis Court rejected the Secretary's claim that a continuous glucose monitor ("CGM") is not durable medical equipment ("DME") and that it was barred from coverage because it is "precautionary" and does not replace fingersticks. The Court further found that the Secretary's coverage denial was not supported by substantial evidence and ordered coverage of Ms. Lewis' Medtronic CGM device. Likewise, this Court ordered coverage of Dr. Bloom's Medtronic CGM device.

This decision is relevant to at least Dr. Bloom's pending motion for fees (Doc. No. 53) and forms yet another in the "string of losses" the Secretary has suffered on this issue.

Dated at Burlington, Vermont this 12th day of April, 2018.

JONATHAN A. BLOOM

By: /s/ Debra M. Parrish
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CERTIFICATE OF SERVICE

I, Craig S. Nolan, counsel for Jonathan A. Bloom, do hereby certify that on April 12 2018, I electronically filed with the Clerk of Court the following document:

DR. BLOOM'S UNOPPOSED NOTICE OF SUBSEQUENT AUTHORITY

using the CM/ECF system. The CM/ECF system will provide service of such filing via Notice of Electronic Filing (NEF) to the following NEF parties:

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Dated at Burlington, Vermont this 12th day of April, 2018.

By: /s/ Craig S. Nolan
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